HIGH COURT OF JUDICATURE AT BILASPUR : CHHATTISGARH

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION NO. 545 OF 2006

PETITIONER

Pramod Kumar Shukla
S/o Shri S.K. Shukla
Aged about 40 years,
R/o Purani Basti Raipur,
(C.G.)

Versus

RESPONDENTS

1. State Transport Appellate Tribunal
   State of C.G. Raipur
2. Regional Transport Authority,
   C.G. at Raipur
3. Secretary,
   Regional Transport Authority,
   Raipur (C.G.)
4. Ramesh Singh Thakur
   S/o Shri Makhan Lal Thakur
   (Bus Operator)
   R/o Polesaipara, Durg
   District Durg (C.G.)

Present : Shri B.K. Rawat, learned counsel for the petitioner.
Shri Yashwant Singh, learned G.A. for the State.
Shri Ajay Shrivastava, learned counsel for respondent No. 4.

ORAL ORDER

(Passed on 23rd February 2006.)

The Regional Transport Authority, Chhattisgarh in pursuance of an application made by the petitioner herein granted regular stage carriage permit for a period of 5 years on the route Raipur to Rajnandgaon via Durg on 17.02.2005 after hearing the objectors and the petitioner. The 4th respondent herein against the said order preferred a revision to the STAT. The STAT by its order dated 17.01.2006, allowed the revision and remanded the proceedings to the Regional Transport Authority, the 2nd

respondent herein. Being aggrieved by the said order, this writ petition has been filed.

(2) I have heard learned counsel for the parties. The impugned order passed by the STAT suffers from an error apparent on its face. The STAT ought to have seen that since the 4th respondent did not file his objection in pursuance of the notice issued by the Secretary, Regional Transport Authority, Raipur on 11.02.2005, he could not maintain the revision in terms of judgment of the Apex Court in **Mithilesh Garg Vs. Union of India**[1]. Secondly, it needs to be noticed that the grievance of the 4th respondent against grant made in the favour of the petitioner is that the timings assigned to the petitioner would be prejudicial to the interest of the 4th respondent inasmuch as the same timings are assigned at Durg to both the vehicles. There is no need for this Court to deal with that question in the present proceedings. In that event, it is open for the 4th respondent to make appropriate application before the Regional Transport Authority for modification or variation of the timings assigned to the vehicle of the petitioner. It is also stated that the petitioner himself has made an application to the Regional Transport Authority for modification of the timings assigned to his vehicle and said application is pending.

(3) In result, the writ petition is allowed and the impugned order of the STAT, the 1st respondent herein, is quashed. No costs.

Sd/-
Chief Justice

1. AIR 1996 SC 443

Boorjesh